

In the Matter of:

Application for Special Temporary Authority to Operate Earth Station E980005 to Launch the Canadian-Licensed Nimiq 5 Satellite

File No. SES-STA-2009_____

Pursuant to Section 309 of the Communications Act of 1934, as amended 47 U.S.C. § 309, and Part 25 of the Commission's Rules, EchoStar Corporation ("EchoStar") hereby files this application for special temporary authority ("STA") to operate a transmit/receive earth station (Call Sign E980005) to perform telemetry, tracking and command ("TT&C") operations to support the launch of Telesat Canada's Nimiq 5 satellite and to maneuver the satellite into a circular geostationary orbit at its in-orbit test location of 82° W.L. No other changes are being requested by this application, and no further interference study or coordination is needed.

The 72.7° W.L. orbital location has been allotted to Canada under the International Telecommunication Union's Region 2 Plan for the Broadcasting-Satellite Service ("BSS"). Canada has authorized Telesat Canada ("Telesat") to use the entire 12.2-12.7 GHz DBS band at the 72.7° W.L. location. Telesat has contracted to provide the use of all of the satellite's capacity to Bell ExpressVu Limited Partnership, a limited partnership organized under the laws of the Province of Ontario in Canada, acting through its General Partner, Bell ExpressVu Inc., a

Canadian company. (“Bell ExpressVu”). Pursuant to the Nimiq 5 Transponder Service Agreement between EchoStar (and certain of its affiliates) and Bell ExpressVu, EchoStar will in turn subscribe for the use of up to 16 of the satellite’s DBS transponders to provide service into the United States¹ The satellite is scheduled to be launched in September 2009, and will initially be located at the 82° W.L. orbital location for testing.

Pursuant to an agreement between EchoStar and Telesat, EchoStar will provide TT&C services from its transmit/receive earth station in Cheyenne, Wyoming (Call Sign E980005) during the launch of Nimiq 5 and the maneuvering operations required to locate the satellite at its testing location of 82° W.L. During orbit-raising the earth station will support the transfer orbit services with system testing, participation in exercises and rehearsals, and tracking the satellite while it is within view of the earth station. Grant of this STA request is in the public interest because it will ensure the safe and successful launch of the Nimiq 5 satellite, which will in turn ensure that EchoStar and its affiliate, DISH Network Corporation, are able to provide additional DBS service to their customers into the United States as outlined in the Blanket Earth Station Application.

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

For the foregoing reasons, EchoStar respectfully requests the grant of its application for special temporary authority to operate its transmit/receive earth station (Call Sign E980005) to

¹ EchoStar has filed for authority to provide service to the United States from Nimiq 5. File No. SES-MFS-20090306-00253 (filed Mar. 6, 2009) (“Blanket Earth Station Application”).

perform TT&C operations in support of the launch of Nimiq 5 and to maneuver the satellite into its in-orbit test location.

Respectfully submitted,

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